

WEST VALLEY CITY

ORDINANCE NO. 11-20

1 Draft Date: 08/16/2011, 08/29/2011
2 Date Adopted: 09/06/2011
3 Date Effective: 09/15/2011

4 **AN ORDINANCE AMENDING SECTION 17-24-101 AND**
5 **ENACTING SECTION 17-24-114 OF THE WEST VALLEY**
6 **CITY MUNICIPAL CODE TO REGULATE THE USE OF**
7 **FLAME BY PERFORMERS.**

8 **WHEREAS**, a growing number of artists and performers are using flame in cultural
9 performances; and

10
11 **WHEREAS**, the Fire Department wishes to ensure that all performances using flame are
12 safe for the performer, the site, and the spectators; and

13
14 **WHEREAS**, the City Council of West Valley City, Utah, does hereby determine that it is
15 in the best interests of the health, safety, and welfare of the citizens of West Valley City to
16 amend Section 17-24-101 and enact Section 17-24-114 of the West Valley City Municipal Code;

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18 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of West Valley City,
19 Utah, as follows:

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21 **Section 1. Repealer.** Any other provision of the West Valley City Municipal Code
22 found to be in conflict with this Ordinance is hereby repealed.

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24 **Section 2. Amendment/Enactment.** Section 17-24-101 of the West Valley City
25 Municipal Code is hereby amended and Section 17-24-114 of the West Valley City Municipal
26 Code is hereby enacted to read as follows:

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29 **CHAPTER 17-24**
30 **SALE AND USE OF FIREWORKS**

31 Sections:
32 17-24-101. Definitions.
33 17-24-102. Sale, Discharge and Possession of Fireworks Restricted.
34 17-24-103. Application to Sell Fireworks.
35 17-24-104. Posting of License.
36 17-24-105. Regulations Governing all Retail Sales Locations.
37 17-24-106. Permanent Structures.
38 17-24-107. Temporary Stands.

- 39 17-24-108. Temporary Tent Stands.
- 40 17-24-109. Seizure of Fireworks – Fine, Suspension, or Revocation of License.
- 41 17-24-110. Days when Fireworks may be Sold.
- 42 17-24-111. Days when Fireworks may be Discharged.
- 43 17-24-112. Discharge of Fireworks Restricted.
- 44 17-24-113. Businesses Exempt from this Chapter.
- 45 17-24-114. Flame Effects Performing Artists.

46 **17-24-101. DEFINITIONS.**

- 47 (1) Firework means any composition or device manufactured or used for the purpose of
48 producing a visible or audible effect by combustion, deflagration, or detonation.
49 Fireworks shall include the following:
- 50 a. Class C explosives as defined in Utah Code Ann. § 53-7-202(4);
 - 51 b. Class C dangerous explosives as defined in Utah Code Ann. § 53-7-202(6);
 - 52 c. Class C common state approved explosives as defined in Utah Code Ann. § 53-7-
53 202(5);
 - 54 d. Ground or hand-held sparkling device, which means any cylindrical tube or
55 fountain not exceeding 3/4" of inside diameter and containing not more than 75
56 grams of pyrotechnic composition which produces a shower of color and sparks
57 upon ignition and may whistle or pop; any cardboard or heavy paper cone (cone
58 fountain) containing up to 50 grams of pyrotechnic composition which produces a
59 shower of color and sparks upon ignition and may whistle or pop; any cylindrical
60 tube, or illuminating torch containing up to 100 grams of pyrotechnic composition
61 which produces colored fire upon ignition; any pyrotechnic device or wheel
62 capable of being attached to a post or tree containing up to six "driver" units or
63 tubes not exceeding 1/2" in inside diameter that each contain not more than 60
64 grams of pyrotechnic composition per driver unit which revolves upon ignition
65 producing a shower of color and sparks and sometimes a whistling effect; any
66 device similar in design and effect to a "wheel" capable of being placed on the
67 ground (ground spinner) and ignited; and any narrow paper fuseless tube (flitter
68 sparkler) filled with pyrotechnic composition that produces color and sparks when
69 the popper at one end of the tube is ignited.
 - 70 e. Ground Audible Device, which means any paper or cardboard tube containing not
71 more than 50 milligrams of pyrotechnic material that travels along the ground
72 (chaser) upon ignition and often produces a whistling and/or popping effect.
 - 73 f. Combination Fireworks Device, which means any device containing
74 combinations of two or more of the effects described in subsections d, e or g.
 - 75 g. Trick Noisemaker, which means any tube or sphere containing pyrotechnic
76 composition that upon ignition produces white or colored smoke (smoke device)
77 as its primary effect; and any device that produces a small report intended to
78 surprise the user, including:
 - 79 i. A "booby trap" which is a small tube with a string protruding from both
80 ends that ignites the friction-sensitive composition in the tube when the
81 string is pulled;

- 82 ii. A "snapper" which is a small paper-wrapped device containing a minute
83 quantity of explosive composition coated on bits of sand which explodes
84 producing a small report;
85 iii. A "trick match" which is a kitchen or book match coated with a small
86 quantity of explosive or pyrotechnic composition that produces a small
87 shower of sparks when ignited;
88 iv. A "cigarette load" which is a small wooden peg coated with a small
89 quantity of explosive composition that produces a small report when the
90 cigarette is ignited; and
91 v. An "auto burglar alarm" which is a tube which contains pyrotechnic
92 composition that produces a loud whistle and smoke when ignited. A
93 small quantity of explosive, not exceeding 50 milligrams, may also be
94 used to produce a small report. A squib is used to ignite the device.
95 (2) Fireworks shall not include model rockets, toy pistol caps, emergency signal flares,
96 snakes or glow worms, party poppers, wire sparklers under 36 inches in length, matches,
97 of Class "A" and "B" explosives.
98 (3) Flame Effects Performing Artist means a fire spinner, fire dancer, or fire performer who
99 is paid to perform professionally in a public location.
100 (3)(4) Permanent Structure means a non-movable building, securely attached to a foundation,
101 housing a business licensed to sale merchandise in addition to fireworks.
102 (4)(5) Retail Sales Locations means both permanent structures and temporary stands where
103 fireworks are sold.
104 (5)(6) Temporary Stand means a nonpermanent structure used exclusively for the sale of
105 fireworks.

106 **17-24-114. FLAME EFFECTS PERFORMING ARTISTS**
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108 Flame Effects Performing Artists must meet all of the following requirements:

- 109 (1) Hold the appropriate license(s) from the State Fire Marshal.
110 (2) Hold a West Valley City business license, if applicable.
111 (3) Obtain approval of the site and spectator safety measures from the West Valley
112 City Fire Marshal prior to the performance(s).
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115 **Section 3. Severability.** If any provision of this Ordinance is declared to be invalid
116 by a court of competent jurisdiction, the remainder shall not be affected thereby.
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118 **Section 4. Effective Date.** This Ordinance shall take effect immediately upon
119 posting in the manner required by law.

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PASSED and **APPROVED** this 6th day of September, 2011.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER